

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

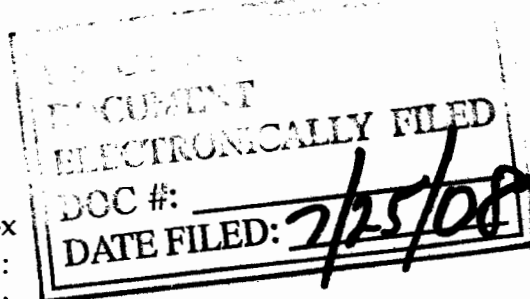
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XL SPECIALTY INSURANCE COMPANY,

Plaintiff,

v.

JOHN D. AGOGLIA, et al.,

Defendants.
-----X



No. 08-CV-3821 (GEL)

**STIPULATION OF PARTIAL
DISCONTINUANCE WITH
PREJUDICE**

Plaintiff XL Specialty Insurance Company ("XL") and Defendant Edwin L. Cox ("Cox"), by and through their undersigned attorneys, jointly file this Stipulation of Partial Discontinuance with Prejudice.

WHEREAS, the parties have reached a settlement and release agreement as to Cox;

WHEREAS, no party to this action is an infant, incompetent or person for whom a committee has been appointed.

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, who have been duly authorized by XL and Cox to enter into this Stipulation as follows:

1. Cox waives formal service of process under F.R.Civ.P. Rule 4 and acknowledges service and receipt of XL's Summons and Complaint on April 24, 2008;
2. XL's cause of action asserted in the Complaint is discontinued with prejudice as against Cox only; and

3. Each party shall bear its or his respective attorneys' fees and costs incurred in connection with this action and any other coverage litigation between the parties.

Dated: New York, New York
July 23 2008

KUGLESKELTON & BENNETT PC

By: _____

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Attorneys for Plaintiff
XL Specialty Insurance Company

IT SO ORDERED:

Gerard F. Z...
U.S.D.J.

7/25/08